

REFERENCES IN TEXT

The words "prior to this Act", referred to in subsec. (b), mean prior to enactment of Act Sept. 21, 1959, Pub. L. 86-339.

§ 957. Allotments deemed full equalization

Allotments in accordance with the provisions of this subchapter shall be deemed complete and full equalization of allotments on the Agua Caliente Reservation.

(Pub. L. 86-339, §7, Sept. 21, 1959, 73 Stat. 605.)

§ 958. Organization and transfer of title to legal entity

The band may, at any time it wishes to do so, organize a legal entity under the laws of the State of California and request the Secretary to transfer to such legal entity title to the lands in the reserves established by section 953(b) of this title. The Secretary shall transfer an unrestricted title to such property if the organization of the legal entity and request for the transfer have been approved by a majority of the adult members of the band who are eligible to vote, and if in the judgment of the Secretary the legal entity is organized in a form and manner that is fair to all members of the band: *Provided, however,* That if the lands to which the proviso to the fourth item in section 953(b) of this title is applicable are transferred to such an entity, they shall be held by it subject to the terms provided in said proviso, and the rights and duties therein set forth shall be preserved and reflected in any distribution of securities of, or other evidences of participation in, said entity.

(Pub. L. 86-339, §8, Sept. 21, 1959, 73 Stat. 605.)

SUBCHAPTER XLV—OMAHA TRIBE:
DISTRIBUTION OF JUDGMENT FUND**§ 961. Membership roll; preparation; eligibility for enrollment; applications for enrollment; protests; finality of determination**

The Secretary of the Interior is authorized and directed, pursuant to such regulations as may be issued by him, to prepare a roll of Omaha Indians whose names appear on the Omaha allotment rolls finally approved pursuant to the Acts of Congress of August 7, 1882, (22 Stat. 341) and March 3, 1893 (27 Stat. 612), and who are living on September 14, 1961, and the descendants of such allottees who are born and living on September 14, 1961 and who possess Omaha blood of the degree of one-fourth or more regardless of whether such allottees are living or deceased: *Provided,* That no person who is enrolled with any other tribe of Indians or who has received an allotment of land on any other reservation shall be enrolled under the provisions of this subchapter unless the application for enrollment by such person is approved by a two-thirds vote of the governing body of the Omaha Tribe of Nebraska. Applications for enrollment must be filed with the area director of the Bureau of Indian Affairs, Aberdeen, South Dakota, within four months after September 14, 1961. For a period of three months thereafter, the Secretary shall permit the examination of the applications by the governing body of the Omaha Tribe of Nebraska for

the purpose of lodging protests against any application. The determination of the Secretary regarding the eligibility of an applicant shall be final.

(Pub. L. 87-235, §1, Sept. 14, 1961, 75 Stat. 508.)

REFERENCES IN TEXT

Acts of Congress of August 7, 1882, and March 3, 1893, referred to in text, are acts Aug. 7, 1882, ch. 434, 22 Stat. 341, and Mar. 3, 1893, ch. 209, 27 Stat. 612, respectively, which were not classified to the Code.

§ 962. Membership roll; enrollment of children born after September 14, 1961

The roll prepared pursuant to section 961 of this title shall constitute the membership roll of the Omaha Tribe of Nebraska as of September 14, 1961, notwithstanding the provisions of article II, section 1 of the tribal constitution, and children who are born after September 14, 1961, may be enrolled if they meet the requirements of section 1(b) of article II of the tribal constitution, applicable to children born after the date that amendment I to said constitution was approved, or any amendment thereof.

(Pub. L. 87-235, §2, Sept. 14, 1961, 75 Stat. 508.)

§ 963. Per capita distributions to tribal members; attorneys' fees and expenses; advances or expenditures from tribal funds; tax exemption

Of the funds on deposit in the Treasury of the United States to the credit of the Omaha Tribe of Nebraska that were appropriated to pay a judgment by the Indian Claims Commission dated February 11, 1960, and the interest thereon, after payment of attorneys' fees and expenses, the Secretary of the Interior shall make a per capita distribution of a sum up to a maximum of \$750, to the extent available, to each person whose name appears on the roll prepared pursuant to section 961 of this title; and the balance of such funds after making payment of or provision for such per capita distribution and accrued and accruing interest, if any, may be advanced or expended for any purpose that is authorized by the tribal governing body and approved in writing by the Secretary. The funds so distributed shall not be subject to Federal or State income taxes.

(Pub. L. 87-235, §3, Sept. 14, 1961, 75 Stat. 508.)

REFERENCES IN TEXT

The Indian Claims Commission, referred to in text, terminated Sept. 30, 1978. See Codification note set out under former section 70 et seq. of this title.

§ 964. Distribution of shares**(a) Payments to enrollees, next of kin, or legatees**

Except as provided in subsection (b) of this section, the Secretary shall distribute a per capita share payable to a living enrollee directly to such enrollee, and the Secretary shall distribute a per capita share payable to a deceased enrollee directly to his next of kin or legatees as determined by the laws of the place of domicile of the decedent upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive.